

PATENT  
674525-2001

REMARKS

This is to make of record the telephone discussion with SPE Christina Chan on April 11, 2001. A marked version of the claim amendments is set forth in the Appendix.

SPE Christina Chan is thanked for reviewing the prosecution of this application. From the April 11, 2001 discussion, it is believed that her view is that the original restriction requirement was improper *inter alia* because it treated the "use" claims as only compound claims, and not as both method and compound claims.

It is further understood that her view is that the January 16, 2001 Office Action was improper *inter alia* because it treats "use" claim 26 as a compound claim when it is also a method claim; and, because it omits treatment of claims 5 and 6 which were compound claims with use recitations and which were not amended (prior to this paper).

Accordingly, it is understood that SPE Christina Chan will speak with Examiner F. Pierre Vandervest on Monday April 16, 2001; and, he will thereafter issue a new restriction requirement, preferably seeking an oral election, to advance prosecution (e.g., by way of a telephone call to the undersigned on Monday).

Furthermore, it is understood that the January 16, 2001 Office Action is being vacated.

In view of this result, it was best believed that the upcoming interview scheduled next week (April 19, 2001) be rescheduled, as the Examiner must first issue a new Office Action based on the Group Applicants elect in response to the new restriction requirement.

In advance of the new restriction requirement, and to advance prosecution, Applicants wish to prosecute in this application the subject matter of the method of treatment of

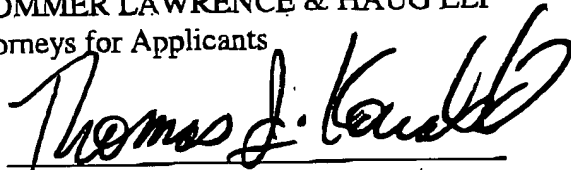
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the method of treatment claims, e.g., claims 1-4 and claims 5 and 6 reworded as method claims  
(as herewith amended).

SPE Christina Chan is thanked for the courtesies extended during the telephonic  
discussion.

Respectfully submitted,

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**Appendix: Marked Version of Claims**

Please amend the claims, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows:

5. (Amended) A method for affecting linked suppression comprising administering a Notch-ligand, or a fragment[s], or a derivative[s], or an analog[s] thereof, [for use in affecting linked suppression] to a patient in need thereof.
6. (Amended) A method for affecting infectious tolerance comprising administering a Notch-ligand, or a fragment[s], or a derivative[s], or an analog[s] thereof, [for use in affecting infectious tolerance] to a patient in need thereof.

Claim 26, cancelled, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.